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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 23 November 1992, at 10.30 a.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 11 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the seventh session of the Committee on Economic, Social and Cultural Rights.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/1992/1)

2. The CHAIRMAN said if there were no objections, he would take it that the Committee wished to adopt the provisional agenda for the seventh session (E/C.12/1992/1).

3. It was so decided.

ORGANIZATION OF WORK (agenda item 2) (E/C.12/1992/L.1)

4. The CHAIRMAN said that Mr. Badawi would be unable to attend the current session and that Mr. Marchan Romero would not be present until the third week.

5. He pointed out that the quorum required in the Committee was 12 persons and therefore suggested that meetings might begin without a quorum unless any member objected.

6. It was so decided.

7. Mr. WIMER ZAMBRANO, noting that a number of members were not present, said that he himself had nearly been late because he had not received the authorization to purchase an air ticket until the previous week. He had requested permission to purchase the ticket earlier, but had received a discourteous answer. It was not the first time that such a problem had arisen, and he was not the only person concerned. The Committee should put forward a motion calling upon the Secretariat to remedy that situation and to show greater flexibility.

8. Mrs. JIMENEZ BUTRAGUEÑO said that she had also experienced difficulties, in her case with regard to making a reservation. She had no complaint with the Secretariat, but found the Thomas Cook travel agency was less than satisfactory. Members of the Committee should be able to purchase tickets as they liked.

9. The CHAIRMAN said that he would ask the Secretariat to take up the matter with those responsible.

10. Turning to the draft programme of work (E/C.12/1992/L.1), he said that if there was no objection, he would take it that the Committee agreed to accept the request for postponement to another session of the reports of the Czech and Slovak Federal Republic, the Russian Federation, Nicaragua and New Zealand.

11. It was so decided.

12. The CHAIRMAN said that Italy had requested a rescheduling of the presentation of its second periodic report from 2 December to 3 December; consideration of additional information would therefore take place on 4 December only.

13. The Committee also had to consider a number of other matters that did not appear in the draft programme of work. Firstly, the Economic and Social Council had approved the request for an additional session of the Committee in 1993, to be held from 10 to 28 May. The implication was that the current session would have to be used to prepare a list of questions for those States parties whose reports would be examined at the May 1993 session. Secondly, the Committee would be receiving a paper on a possible optional protocol, and it must decide whether to consider that paper in plenary, in a working group or informally. Thirdly, an item would be added to the agenda on the World Conference on Human Rights. As economic, social and cultural rights were not high on the agenda of the Preparatory Committee, the Committee should seek to stress their importance. He invited members who had suggestions on when and how to deal with the above-mentioned matters to make them known in the course of informal consultations.

14. The files containing the reports of States had included a section with information provided by the International Labour Organisation (ILO) on each country. That was most useful: in accordance with the Committee's guidelines, when a country had ratified the relevant ILO conventions, it did not need to provide the Committee with the information otherwise required. The Committee was grateful to ILO for providing the information and to the Secretariat for including it in the files.

15. In addition to the files on each country, the following documents would also be available for consultation: World Development 1992 (World Bank), The Human Development Report 1992 (United Nations Development Programme (UNDP)); The State of the World's Children Report 1992 (United Nations Children's Fund (UNICEF)).

16. A report would also need to be presented on current developments. Members who had been asked to report on the work of other committees might need more time, and a rescheduling was possible.

17. Mr. BONEV (United Nations Development Programme) said that in the past, UNDP had been conspicuously absent from meetings on human rights, because prior to the dismantling of the communist system and the iron curtain, it had been expected to steer clear of such issues. UNDP was pleased that that state of affairs had changed and it hoped to be able to contribute to the work of the Committee on Economic, Social and Cultural Rights to the extent that its mandate allowed.

18. The Human Development (1992), to which the Chairman had referred, contained a number of indicators with a bearing on human rights. He hoped that the report would prove useful to the Committee in its work.

19. At the World Conference on Human Rights, UNDP would present a paper on the theme of development, human rights and democracy.

20. The CHAIRMAN said that it was a pleaseure to see a representative of UNDP taking part in the Committee's proceedings. He hoped that the Committee had helped to stimulate, among the specialized agencies, an awareness of the relevance of human rights to their work.

21. Mr. OATES (International Labour Organisation) said that ILO was particularly interested in the rights covered by articles 6 to 10 of the International Covenant on Economic, Social and Cultural Rights. It had adopted instruments on such basic matters as freedom of association, equal opportunity in employment, the abolition of forced labour, employment policy, working conditions, social security, maternity protection and the minimum age for employment. The information received from member States with regard to ratified conventions was subject to ILO's own supervisory procedures. ILO's most recent report on the progress achieved in observing the rights in question, which contained a summary of the latest information provided by member States and of the latest findings of ILO's Committee of Experts on the Application of Conventions and Recommendations, would be made available to members of the Committee later. The findings of ILO's Committee on Freedom of Association would also be made available. If any further documentation was required, he would be pleased to supply it.

22. The CHAIRMAN thanked ILO for its exemplary cooperation with the Committee.

23. Ms. PINET (World Health Organization) expressed her organization's appreciation of the opportunity to participate in the Committee's very important work and the hope that economic, social and cultural rights would receive due recognition at the forthcoming World Conference on Human Rights. The high-quality documents submitted were also much appreciated. The latest information from WHO would be made available within the next few days.

24. The CHAIRMAN noted that the United Nations seminar on the use of statistical indicators was now scheduled to be held from 25 to 29 January 1993. The Committee would be represented by five of its members, and he urged members wishing to participate to let him know. The Committee would have to submit certain presentations.

25. The Summit Meeting of the Non-Aligned countries held at Jakarta in September 1992 had displayed great interest in economic, social and cultural rights and had expressed the view that not enough importance had been attached to them so far. The result of the recent United States presidential election had increased the attention given to those rights, which was likely to be reflected in foreign policy. Unfortunately, many not so advanced countries were cutting back on social expenditure, and it was therefore important that the Committee should speak out on such issues.

26. The recent meeting of persons chairing the human rights treaty bodies had been an outstanding success. All the chairpersons had been united in the belief that the various treaty bodies should take a more active role in carrying out their responsibilities and had expressed concern about the Secretariat services. There had been no disagreement regarding the meeting's conclusions. The report of the meeting (A/47/628) was of great importance; it represented the only opportunity of establishing real communication with the

political organs of the United Nations. The very brief report containing many recommendations for specific action, had elicited a significant and systematic response and he wished to draw attention to the principal recommendations of relevance to the Committee on Economic, Social and Cultural Rights.

27. The chairpersons had noted that in his report to the forty-seventh session of the General Assembly on the work of the Organization, the Secretary-General had identified the need to consider ways to empower him and the expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, together with recommendations for action. The expert human rights bodies would surely include treaty bodies. The chairpersons had taken note of that recommendation and had agreed that the treaty bodies had an important role to play in seeking to prevent and respond to human rights violations. They therefore deemed it appropriate for each treaty body to undertake an urgent examination of all possible measures that it might take both to prevent human rights violations from occurring and to monitor more closely emergency situations of all kinds arising within the jurisdiction of States parties; where procedural innovations were required for that purpose, they should be considered as soon as possible. It was his impression that none of the chairpersons was suggesting that treaty bodies ought to play the kind of role which the Commission on Human Rights played in adopting resolutions condemning States or trying to mobilize direct political pressure in any other way. Nevertheless, if a State party's report was to be considered and the Committee was aware that violations were taking place, it would lose its credibility if it did not take a firm stand against them. Moreover, treaty bodies were becoming more willing to take advance action in the case of violations by States parties whose reports were not due for consideration for the time being, for example by making an urgent request for information or by offering to send a small delegation to see if it could help. The Committee on the Rights of the Child had adopted a specific procedure for responding to alleged violations.

28. The chairpersons had warmly welcomed the amendments proposed to the texts of the Convention on the Elimination of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which would place the funding of the Committee on the Elimination of Racial Discrimination and the Committee against Torture as a charge against the United Nations regular budget rather than as a charge against the States parties to those treaties.

29. With regard to Secretariat servicing, the chairpersons had expressed the view that existing working conditions of the Secretariat, especially in terms of the facilities and information technology available at Geneva, could best be described as primitive. All the debates had focused on the creation of a small number of additional junior secretariat positions, while no attention had been paid to the fact that many secretarial staff did not have their own word processors and that the majority of professionals were not expected to work on them. The chairpersons had observed that the resources required to ensure adequate servicing of each of the treaty bodies were not available. In a published interview, the Commission on Human Rights Special Rapporteur on Iraq had stated that he and other Special Rapporteurs had lodged a formal complaint with the Secretariat in Geneva about the inadequacy of the services

they were receiving. The situation would improve only when the different users of the services registered their dissatisfaction.

30. The chairpersons had also considered available sources of information. For the past five years, members of the Committee had been requesting the establishment of a committee resource room that would provide access to different sources of information on what was happening in the countries it was examining. The Secretariat had completely ignored that request and unless action was taken at the General Assembly it would probably continue to do so. The chairpersons had stressed the desperate need for the development of a coherent and comprehensive information policy within the Centre as a whole. They had called for the creation of a centralized information and documentation unit within the Centre, and recommended that the General Assembly should request the Secretary-General to take appropriate action in that regard. They were also unanimous in recommending that a comprehensive country dossier should be made available to each committee in respect of each State party whose report was under consideration. In his view, the full implications of that recommendation had not as yet been absorbed by the Secretariat. The matter was important because if a representative of a country told the Committee that all was well in his country, members who knew from newspaper reports that all was not well could not respond because they had no other sources of information; referring to press reports was not satisfactory. The chairpersons had stated that in order to ensure an adequate flow of information from non-governmental organizations, each treaty body should consider formally inviting such groups to submit written documentation.

31. With regard to public information, the chairpersons had declared themselves firmly convinced that there was a need for an integrated and comprehensive public information strategy for the Centre for Human Rights as a whole, that the present approach was haphazard, under-resourced and lacking in priorities and that publicity for the work of treaty bodies had suffered as a result. Virtually no publicity had been undertaken for the work of the Committee except for a so-called "fact sheet" which consisted of four or five pages of fatuous generalizations along with the text of the Covenant. The only source of public information about the Committee's work was the report of the Committee itself, which was impossible to obtain without access to a ministry or an extremely good library. At present the Committee's reports went only to the General Assembly and the Economic and Social Council, and made no impact on the world at large. What was really needed was effective public information to explain what the various committees were all about.

32. With regard to reservations, the chairpersons had found that some of the reservations that had been lodged would appear to give rise to serious questions as to their compatibility with the object and purpose of the treaties in question. They had suggested that the International Court of Justice should be requested to give an advisory opinion in relation to reservations which individual committees felt gave rise to significant questions. The onus would be on the individual committees to request the Economic and Social Council or the General Assembly to seek an advisory opinion from the International Court of Justice.

33. It had been suggested that each treaty body should follow the practice of the Committee on the Elimination of Racial Discrimination in listing overdue and non-reporting States. Members of the Committee on Economic, Social and Cultural Rights had decided to do so at its previous session. All the chairpersons had agreed that it was most unfair that one country's reports should be criticized by the treaty body while a significant number of countries which had ratified the treaty had not submitted a single report. The chairpersons had therefore agreed that each treaty body, as a last resort and to the extent appropriate, should begin to schedule for consideration the situation in non-reporting or overdue States and base their examination on all available information. The States concerned needed to be given notice that it would be preferable for them to submit a report, otherwise the treaty body would have no option but to consider their situation, using all available sources of information, and that although the treaty body wished the States' representatives to be present at such consideration, if that proved impossible it would nevertheless go ahead. The chairpersons had noted that a persistent and long-term failure to report should not result in the State Party concerned being immune from supervision while others, which had reported, were subject to careful monitoring.

34. With regard to the World Conference on Human Rights, the chairpersons had considered that they had not been accorded an adequate opportunity to participate in the discussions. The report stated that the General Assembly should recommend that the group of chairpersons should be constituted as a special advisory body to the World Conference. The chairpersons were also concerned that discussions concerning the agenda for the World Conference had so inadequately reflected the priority accorded to issues related to the treaty bodies, in other words, that the work of the committees was not being given sufficient attention by the Preparatory Committee.

35. A strong statement by the current session of the Committee on Economic, Social and Cultural Rights underlying the importance of economic and social rights would make a significant impact on the discussions of the Third Committee. It was generally agreed that the work of the Preparatory Committee so far had been unrewarding, with virtually all the time taken up with procedural issues, and that there were deep political divisions, largely, but not entirely, of a North-South nature. As a result, virtually no work had been done so far on the substantive issues on the agenda and the Third Committee had been asked to unblock the log-jam. It was hoped that a resolution would emerge from the Third Committee to help reignite progress on the World Conference. The Committee should give consideration to making an input to the discussions.

36. Mr. NENEMAN, noting that the Committee would have to function as a working group during the current session, observed that a specific amount of time would be needed for that task and that reports would have to be made available to members well in advance so that they would have time to read them and prepare questions.

37. The CHAIRMAN said that on the first three days of the following week (30 November, 1 and 2 December) the Committee would have no reports before it and might consider meeting as a working group of five members together with any others who wished to attend. The working group would consider the reports

for the following session and the drawing up of the lists of questions; it might also do preliminary work on other issues, such as draft general comments or the optional protocol. At the third meeting on 24 November all reports for the next session would be made available to members and it was hoped that information would be received from individuals who had been asked to do preliminary work on specific reports. Lists of questions need not be finalized at the current session; members could submit additional questions during the weeks following the session through the Officers or the Rapporteur.

The meeting rose at 12.25 p.m.